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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,742	07/21/2003	Randal Howard Kerstetter III	DN2002101	7153
27280 7590 04/18/2007 THE GOODYEAR TIRE & RUBBER COMPANY INTELLECTUAL PROPERTY DEPARTMENT 823 1144 EAST MARKET STREET AKRON, OH 44316-0001			EXAMINER MIGGINS, MICHAEL C	
			ART UNIT	PAPER NUMBER
			1772	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/18/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/624,742

Applicant(s)

KERSTETTER ET AL.

Examiner

Michael C. Miggins

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1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. In view of the Appeal Brief filed on 12/21/06, PROSECUTION IS HEREBY REOPENED. New grounds for rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:



JENNIFER MCNEIL  
SUPERVISORY PATENT EXAMINER

4/16/7

### *New Rejections*

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 7-9 recite the limitation "The air sleeve in claim 1" in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim does not recite an airsleeve and the limitations should be changed to - - The composite material of claim 1 - -.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 5-6, 8-12, 15-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 03268942 (English translation of abstract provided herein) in view of Iwami et al. (US 3525703).

The additional rubber recited in claims 1-2 and 11-12 are optional (since zero wgt% is recited) and need not be disclosed in the prior art in order to read on applicant's claims as written.

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JP 03268942 discloses hoses (title) and belts for automotive use that comprise a composition of 100 parts chloroprene and 3-50 parts hydrotalcite which are bonded to nylon or polyester fibers (abstract).

JP 03268942 fails to disclose RFL treatments on its fibers.

Iwama discloses RFL treated polyester fibers in order to improve adhesiveness to rubbers such as chloroprene (column 2, lines 25-37, column 3, lines 30-71, column 10, lines 51-71).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided RFL treatments on the fibers of JP 03268942 in order to improve the adhesiveness of the fibers to rubber as taught or suggested by Iwama.

7. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 03268942 (English translation of abstract provided herein) in view of Iwami et al. (US 3525703), as applied to claims 1-2, 5-6, 8-12, 15-16 and 18-20 above, and further in view of JP 1268736 (English translation of abstract provided herein).

JP 03268942 fails to disclose the specific hydrotalcite recited by applicant in claims 3 and 13.

JP 1268736 discloses applicant's hydrotalcite recited by applicant in claims 3 and 13 in a chloroprene rubber in order to provide improved vibration dampening, good ozone resistance, and less swelling with anti-freeze (abstract).

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Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided applicant's hydrotalcite recited by applicant in claims 3 and 13 in a chloroprene rubber in order to provide improved vibration dampening, good ozone resistance, and less swelling with anti-freeze as taught or suggested by JP 1268736.

8. Claims 4, 7, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 03268942 (English translation of abstract provided herein) in view of Iwami et al. (US 3525703), as applied to claims 1-2, 5-6, 8-12, 15-16 and 18-20 above, and further in view of Igarashi (US 5348779).

JP 03268942 fails to disclose that the fabric is a woven fabric, and wherein the composition comprises magnesium oxide.

Igarashi discloses the use of MgO in chlorinated rubbers in order to prevent deterioration of a hose (column 9, lines 23-47). Igarashi also discloses spiral-knitted yarn (column 5, lines 58-62).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided magnesium oxide in the rubber of JP 03268942 in order to provide corrosion resistance as taught or suggested by Igarashi.

### ***Conclusion***

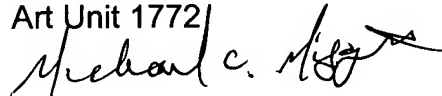
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael C. Miggins  
Primary Examiner  
Art Unit 1772



MCM  
April 16, 2007



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SUPERVISORY PATENT EXAMINER  
4/16/7